

Chair Concannon, Vice Chair Johnson, and members of the House Committee on Child Welfare and Foster Care:

Significant rights are at stake when children and families become involved in the child welfare system. Tragically, state audits and surveys find more than half of children in foster care are never informed of their rights, let alone how to exercise them.¹

The Center for the Rights of Abused Children (Center) strongly supports enacting an enforceable bill of rights for parties to child in need of care (CINC) proceeding, particularly for children. House Bill 2194 (HB2194) will help children and foster parents know and protect their rights in abuse and neglect proceedings. We urge support for HB2194.

While the Center supports HB2194, based on our experience, we recommend expanding the scope of the enumerated rights and providing a mechanism for enforcing them within CINC proceedings. In addition to those rights already listed in the proposed legislation, the legislature should:

- Ensure the rights enumerated in the rights are enforceable by granting a child or legal guardian the ability to petition the court in the CINC proceeding for equitable relief. This approach would not create an independent cause of action, rather it would ensure children can remedy violated rights.

¹ ["Performance Audit Department of Children and Family Services,"](#) Illinois Office of the Auditor General, 2021; Jessennya Hernandez, ["Foster Youth Perspectives: How Foster Youth Navigate and Mobilize Their Rights within the Foster Care System,"](#) Humanity and Society, 2022.



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- Ensure the placement of a child is not only safe and comfortable but that it is also in a healthy environment that can meet the child's unique needs.
- If siblings cannot be placed in the same home, establish a right to reside nearby and maintain meaningful contact.
- Ensure family visitation is in the best interest of the child.
- Ensure that property acquired after entering care is correctly accounted for and transferred with the child.
- Expand the educational rights of a child in need of care to include the following:
 - Immediate or timely screening for special education services;
 - Immediate best-interest determination for educational placement;
 - The right to receive transfer credit for coursework completed, including partial credit.
- Establish a right to an attorney who will zealously represent the child's position. Separate legislation would be required to automatically appoint of an attorney for every child in CINC proceedings and convert the appointment of guardians ad litem to optional appointments.
- Create a right to report a violation of the enumerated rights without fear of punishment, interference, coercion, or retaliation.
- Establish a right to have free assistance in acquiring personal identifying documents, including, but not limited to: birth certificate, social security number, photo identification, and driver's license.;

The Center recommends expanding HB2194 to:

- Clarify foster parents' rights apply to kinship caregivers and legal guardians.
- Include the right to receive advance notice from a child's case manager regarding a home visit and appointments with the child and reasonable accommodation of the foster family's schedules.

Finally, children, foster parents, kinship caregivers, and legal guardians should be provided written and verbal notification of and assistance in understanding these rights and be informed on how to file complaints and grievances for violations of their rights.

In conclusion, we applaud the efforts of the Kansas legislature to codify the rights of children and caregivers and encourage passage of the Representative Gail Finney Foster Care Bill of Rights.